REMARKS

This preliminary amendment addresses the Notice to File Missing Parts in connection with the above-identified patent application mailed June 1, 2004 in which it was stated that Figures 3-5 appear to be omitted from the originally filed application. Applicant hereby requests that the original filing date herein be retained and notes that the omitted figures were provided by way of background and not themselves necessary to a complete understanding of the invention, especially in view of the descriptive text at pages 5-8 that describes the block diagrams of Figs. 3-5 in detail.

However, applicant notes that on page 18, lines 14-21, the originally filed specification has properly and expressly incorporated by reference commonly owned, prior-pending U.S. Patent Application Serial No. Serial No. 10/777,978, entitled SYSTEM-INDEPENDENT DATA FORMAT IN A MIRRORED STORAGE SYSTEM ENVIRONMENT AND METHOD FOR USING THE SAME, by Stephen L. Manley. A copy of U.S. Patent Application Serial No. Serial No. 10/777,978 as originally filed (with accompanying originally filed drawings) is attached hereto. This application (10/777,978) includes originally filed Figs. 3-5, which are identical in numbering and expression to those omitted, and exactly comport with the text (and reference numbering) of the above-identified subject application herein. Note that the supporting text of the incorporated (10/777,978) application is substantially similar with respect to Figs. 3-5 as well. Hence, in accordance with Manual of Patent Examining Procedure (MPEP) section 608.01(p), applicant hereby amends the drawing to physically incorporate into the body

3

of the present application previously incorporated-by-reference material. The sheets

having Figs 3-5 being added by this amendment from the incorporated application

(10/777,978) require *no* substantive amendment to conform with the originally filed text

on pages 5-8 of the specification of the present application, other than the deletion of

immaterial sheet numbers in the upper margin. The undersigned hereby declares that the

amendatory material consists of the same material incorporated in the subject referencing

application. Note that MPEP section 2163.07(b) states specifically that "replacing the

identified material incorporated by reference with the actual text is not new matter." Ac-

cordingly, applicant hereby asserts that the above amendment is entitled to entry in view

of the original filing date of March 9, 2004. Since this amendment merely adds previ-

ously incorporated-by-reference material, it is not believed that any petition is required

and that this amendment is entitled to full consideration and entry for the foregoing rea-
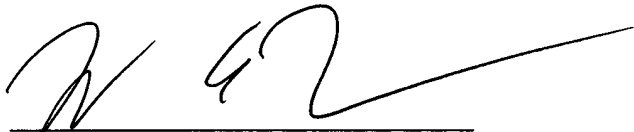
sons.

Applicant further notes that the present application's original specification, on

page 9 in the area of the specification which specifically discusses Figs. 3-5, now-

published (Pub #US2003/0182313A1) U.S. Patent Application Serial No. 10/100,967 en-

titled SYSTEM AND METHOD FOR DETERMINING CHANGES IN TWO SNAP-

SHOTS AND FOR TRANSMITTING CHANGES TO A DESTINATION SNAPSHOT,

by Michael L. Federwisch, et al. is incorporated by reference. This application, with

slight numbering changes also shows and describes the present application's Figs. 4 and 5

as Figs. 1 and 2 therein. While this material is not being incorporated at present, it fur-

ther supports the basis for applicant's amendment herein without addition of new matter or loss of original filing date.

In view of the foregoing entry of this preliminary amendment is respectfully requested. Applicant earnestly solicits the examiner to contact the undersigned by telephone call to advance the prosecution in any respect.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

William A. Loginov
Reg. No. 34,863
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500

3/19

300

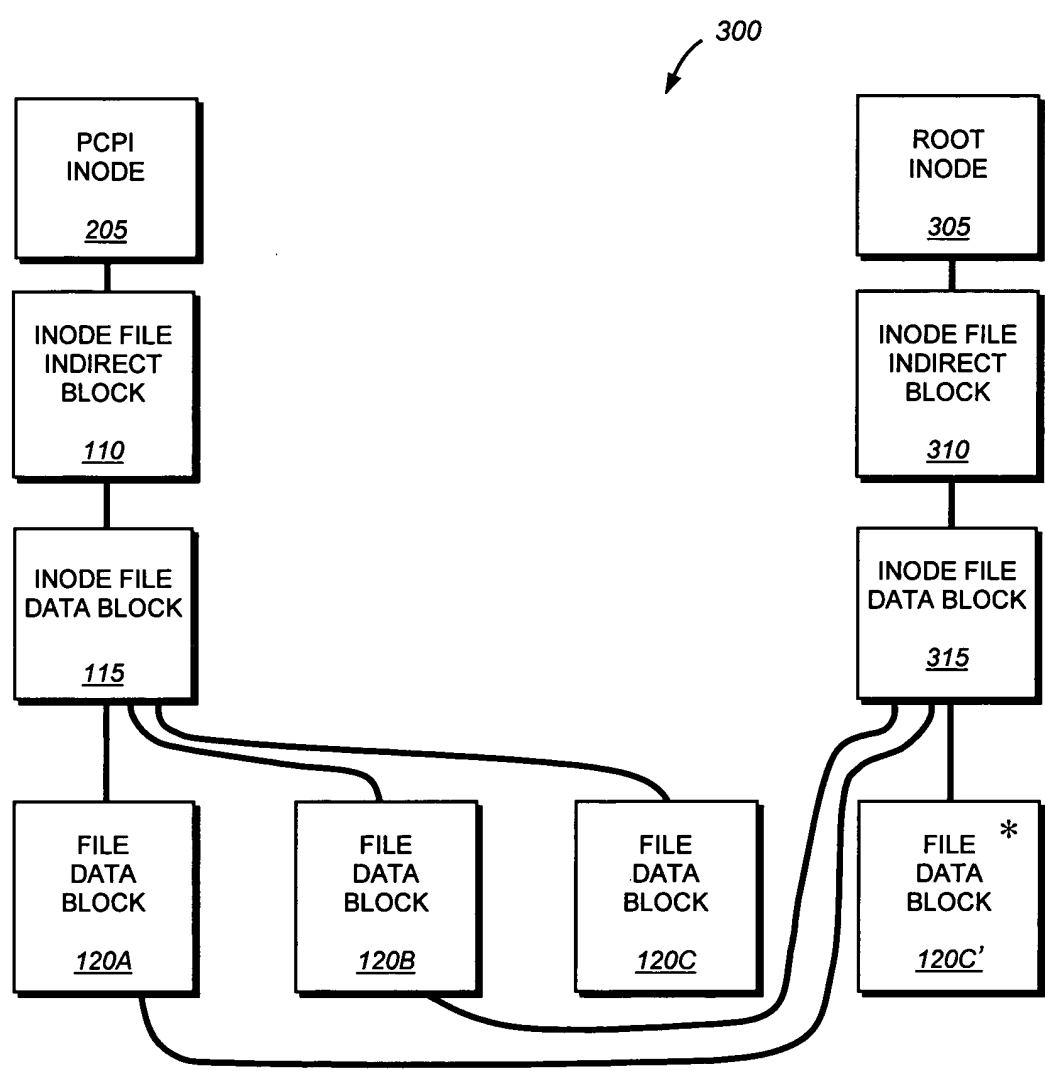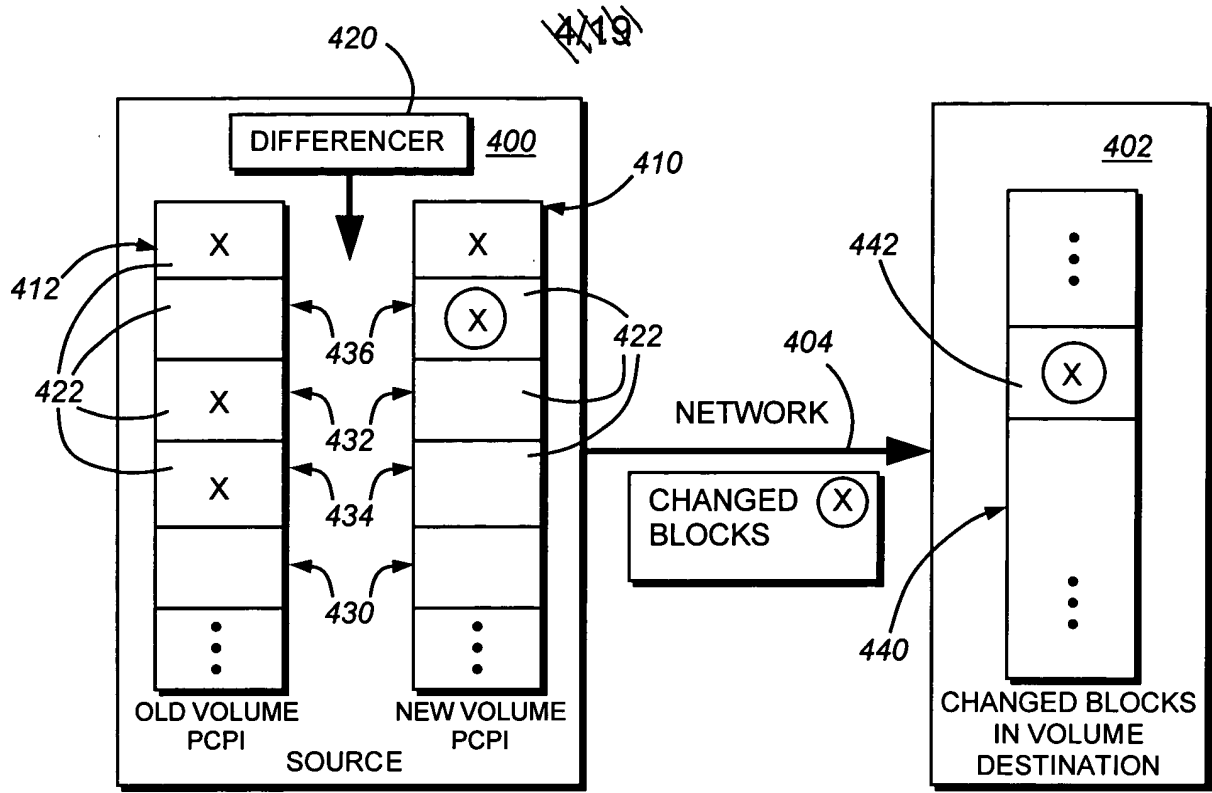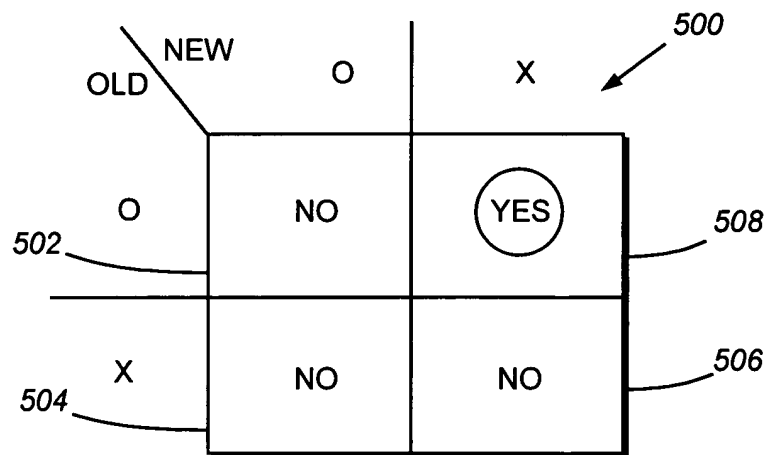| PCPI INODE 205 | ROOT INODE 305 |

| INODE FILE INDIRECT BLOCK 110 | INODE FILE INDIRECT BLOCK 310 |

| INODE FILE DATA BLOCK 115 | INODE FILE DATA BLOCK 315 |

| FILE DATA BLOCK 120A | FILE DATA BLOCK 120B | FILE DATA BLOCK 120C | FILE DATA BLOCK * 120C' |

FIG. 3
(PRIOR ART)

420

DIFFERENCER   400

410

412

422

X

X

X

422

(X)

436

432

434

430

NETWORK

404

CHANGED
BLOCKS   (X)

442

(X)

440

OLD VOLUME
PCPI

NEW VOLUME
PCPI

SOURCE

402

CHANGED BLOCKS
IN VOLUME
DESTINATION

FIG. 4
(PRIOR ART)

500

OLD / NEW

O   X

O   NO   (YES)

502   508

506

X   NO   NO

504

FIG. 5
(PRIOR ART)